

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

VELAYUTHAN MURALIDHARAN,

Plaintiff,

v.

TELEGLOBE AMERICA, INC., et al.,

Defendants.

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: CIVIL ACTION NO. 06-183 (MLC)
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: **MEMORANDUM OPINION**
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THE COURT having ordered the parties to show cause why (1) the claims brought under Title VII of the Civil Rights Act and "laws that apply to and protect non-immigrant foreign workers" should not be dismissed, and (2) the remaining claims should not be remanded to state court for lack of jurisdiction (dkt. entry no. 3); and the defendants having removed this action under (1) 28 U.S.C. § ("Section") 1331, and (2) Sections 1332 and 1441 (Rmv. Not., at 2); and

THE PLAINTIFF now intending to withdraw the claims brought under federal law, and thus eliminating the basis for jurisdiction under Section 1331 (Pl. Br., at 3 & 9; Verma Decl., at 1; Proposed Am. Compl., at 2 (relying on state law only)); and the parties conceding that jurisdiction is lacking under Sections 1332 and 1441 (Pl. Br., at 6-8; 2-16-06 Defs. Letter, at 1-2); and thus the Court intending to (1) resolve the order to show cause before the return date of March 6, 2006, (2) grant the order to show cause, (3) dismiss with prejudice the complaint

insofar as it asserts claims brought under (a) Title VII and (b) federal "laws that apply to and protect non-immigrant foreign workers," (4) deny the pending motion for leave to amend the complaint (dkt. entry no. 8) without prejudice, and (5) remand the action to state court for lack of jurisdiction under Sections 1331, 1332, and 1441; and for good cause appearing, the Court will issue an appropriate order and judgment.¹

s/ Mary L. Cooper

MARY L. COOPER
United States District Judge

¹ The plaintiff appears to request attorney fees and costs under Section 1447(c). (Pl. Br., at 9.) The request is denied. The defendants properly removed the action based on the plaintiff's assertion of claims under federal law in the original complaint.